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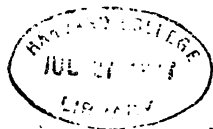
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THE LAWS OF
THE STATE OF NEW YORK
IN RELATION TO
WEIGHTS AND MEASURES
AND
UNIFORM RULES AND
REGULATIONS



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THE LAWS OF THE STATE OF NEW YORK IN RELATION TO WEIGHTS AND MEASURES

CHAPTER 25, LAWS 1909

CHAPTER 20 OF THE CONSOLIDATED LAWS—GENERAL BUSINESS LAW

ARTICLE 2 AS AMENDED BY CHAPTERS 187 AND 470 OF THE LAWS OF 1910

ARTICLE 1

SHORT TITLE

Section 1. Short title.

§ 1. **Short title.** This chapter shall be known as the "General Business Law."

ARTICLE 2

WEIGHTS AND MEASURES

- Section 2. Description of weights and measures.
3. The unit of length and surface.
 4. Units of weight.
 5. Units of capacity.
 - 5-a. 5-b. Bottles or jars for milk and cream.
 6. Heap measure.
 7. Measure for bran.
 8. Number of pounds to the bushel.
 10. Construction of contracts.
 11. Duties of state superintendent of weights and measures.
 12. Copies of standard weights and measures.
 13. County sealer; duties of county sealer; duty of supervisors.
 14. City sealer.
 15. Weights and measures to be sealed.

§ 2. **Description of weights and measures.** The standard weights and measures that were furnished to this state by the government of the United States, in accordance with a joint resolution of congress, approved June fourteenth, eighteen hundred and thirty-six, and consisting of one standard yard measure and one set of standard weights, comprising one Troy pound, and nine avoirdupois weights of one, two, three, four, five, ten, twenty, twenty-five and fifty pounds respectively; one set of standard Troy ounce weights, divided decimally from ten ounces to the one ten-thousandths of an ounce; one set of standard liquid capacity measures, consisting of one wine gallon of two hundred and thirty-one cubic inches, one-half gallon, one quart, one pint and one-half pint measure; and one standard half bushel, containing one thousand and seventy-five cubic inches and twenty one-hundredths of a cubic inch, according to the inch hereby adopted as standard, and such new weights, measures, balances and other apparatus as may be received from the United States as standard weights, measures, balances and apparatus in addition thereto or in renewal thereof as well as such weights, measures, balances and apparatus as may be added by the state department of weights and measures and verified by the national bureau of standards shall be the standard of weights and measures throughout this state. (Amended by Laws of 1910.)

§ 3. **The unit of length and surface.** The units or standard measures of length and surface, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and ascertained, are the standards of length designated in this article. For measures of cloths and other commodities commonly sold by the yard, the yard may be divided into halves, quarters, eighths, and sixteenths. The rod, pole or perch, contains five and one-half yards; the mile, one thousand seven hundred and sixty yards. The chain for measuring land is twenty-two yards long and is divided into one hundred equal parts called links. The acre for land measure, shall be measured horizontally and contain ten square chains, equivalent in area to a rectangle sixteen rods in length and ten in breadth; six hundred and forty acres being contained in a square mile. (Amended by Laws of 1910.)

§ 4. **Units of weight.** The units or standards of weight from

which all other weights shall be derived and ascertained, shall be the standard weights designated in this article. The hundred-weight consists of one hundred avoirdupois pounds and twenty hundred weight are a ton. In all transactions relating to the sale or delivery of coal two thousand avoirdupois pounds in weight shall constitute a legal ton. (Amended by Laws of 1910.)

§ 5. **Units of capacity.** The units or standards of measure of capacity for liquids from which all other measures shall be derived and ascertained shall be the standards designated in this article. The barrel is equal to thirty-one and one-half gallons and two barrels are a hogshead. The parts of the liquid gallon shall be derived from the gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills. The peck, half peck, quarter peck, quart, pint and half pint for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two. The standard of measure for buying and selling strawberries, raspberries, blackberries, currants, gooseberries, plums, cherries, cranberries and other small fruits shall be the quart, which shall contain when even full sixty-seven and two-tenths cubic inches; the pint, which when even full shall contain thirty-three and six-tenths cubic inches; the half pint, which when even full shall contain sixteen and eight-tenths cubic inches; multiples of the quart, which when even full shall contain like multiples of sixty-seven and two-tenths cubic inches.

§ 5-a. **Bottles or jars for milk and cream.** Bottles used for the sale of milk and cream shall be of the capacity of half gallon, three pints, one quart, one pint, half pint and one gill, filled full to the bottom of the cap ring or stopple. The following variations on individual bottles or jars may be allowed: six drams above and six drams below on the half gallon; five drams above and five drams below on the three pint; four drams above and four drams below on the quart; three drams above and three drams below on the pint; two drams above and two drams below on the half pint, and two drams above and two drams below on the gill. Bottles or jars used for the sale of milk shall have clearly blown, or otherwise permanently marked, in the sides or bottom of the bottle the name, initials or trade-mark of the manufac-

turer and a designating number, which designating number shall be different for each manufacturer and may be used in identifying the bottles. The designating number shall be furnished by the state superintendent of weights and measures upon application by the manufacturer, and a record of the designating numbers and to whom furnished shall be kept in the office of the superintendent of weights and measures.

§ 5-b. Any manufacturers who sell milk and cream bottles to be used in this state that do not comply as to size and marking with the provisions of section five-a shall suffer a penalty of five hundred dollars, to be recovered by the attorney-general in an action to be brought in the name of the people of the state of New York. Any dealer who knowingly uses for the purpose of selling milk or cream jars or bottles purchased after this law takes effect that do not comply with section five-a as to marking and capacity shall be deemed guilty of giving false or insufficient measure.

(Sections 5-a and 5-b take effect January 1, 1911, and constitute chapter 470 of the Laws of 1910.)

§ 6. **Heap measure.** The measure of capacity for all commodities commonly sold by heap measure shall be the half bushel and its multiples and subdivisions. The measures used to measure such commodities shall be cylindrical, with plain and even bottom, and of the diameter of nineteen and one-half inches from outside to outside if a bushel; fifteen and one-half inches if a half bushel, and twelve and one-third inches if a peck.

All commodities sold by heap measure shall be duly heaped up in the form of a cone, the outside of the measure to be the limit of the base of the cone, and the cone to be as high as the commodities will admit.

§ 7. **Measure for bran.** The standard measure of capacity for bran and shorts shall be forty quarts to the bushel. The measure used for measuring such commodities shall be round, with a plain or even bottom, and it shall be thirteen and one-half inches in diameter in the clear at the top, and fifteen inches and one-half in diameter in the clear at the bottom, and of sufficient depth to contain such number of quarts, when stricken with a round, straight stick or roller of uniform diameter.

§ 8. **Number of pounds to the bushel.** Whenever any commodity specified in this section is sold by the bushel, and no special agreement is made by the parties as to the mode of measuring, the bushel shall consist of seventy pounds of lime or coarse salt; sixty pounds of wheat, peas, potatoes, clover-seed or beans; fifty-seven pounds of onions; fifty-six pounds of Indian corn, rye or fine salt; fifty-five pounds of flax-seed; fifty-four pounds of sweet potatoes; fifty pounds of corn meal, rye meal or carrots; forty-eight pounds of barley, apples or buckwheat; forty-five pounds of herds-grass, timothy seed or rough rice; forty-four pounds of Sea island cotton seed; thirty-three pounds of dried peaches; thirty-two pounds of oats; thirty pounds of upland cotton seed; twenty-five pounds of dried apples; twenty pounds of bran or shorts. For a fractional part of the bushel a like fractional part of the above weights shall be required (Amended by Laws of 1910.)

§ 10. **Construction of contracts.** All contracts made within the state for work to be done, or for the sale or delivery of personal property, by weight or measure, shall be taken and constructed according to the standards of weights and measures adopted in this article.

§ 11. **Duties of state superintendent of weights and measures.** The state superintendent of weights and measures shall take charge of the standards adopted by this article as the standards of the state; cause them to be kept in a fireproof building belonging to the state, from which they shall not be removed, except for repairs or for certification, and take all other necessary precautions for their safe-keeping. He shall maintain the state standards in good order and shall submit them once in ten years to the national bureau of standards for certification. He shall correct the standards of the several cities and counties and, as often as once in five years, compare the same with those in his possession, and where not otherwise provided by law he shall have a general supervision of the weights, measures and measuring and weighing devices of the state, and in use in the state. He shall upon the written request of any citizen, firm, corporation or educational institution of the state, test or calibrate weights, measures, weighing or measuring devices and instruments or

apparatus used as standards in the state. He, or his deputies or inspectors by his direction, shall at least once annually test all scales, weights and measures used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the fiscal supervisor of state charities and he shall report in writing his findings to said fiscal supervisor and to the executive officer of the institution concerned; and at the request of said officers the superintendent of weights and measures shall appoint in writing one or more employees, then in actual service, of each institution, who shall act as special deputies for the purpose of checking the receipt or disbursement of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for the same from his successor in office. He shall annually during the first two weeks of January make to the legislature a report of the work done by his office. The state superintendent, or his deputies or inspectors by his direction, shall inspect all standards used by the counties or cities at least once in two years and shall keep a record of the same. He, or his deputies or inspectors at his direction, shall at least once in two years visit the various cities and counties of the state in order to inspect the work of the local sealers and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any person, firm or corporation. (Amended by Laws of 1910.)

§ 12. **Copies of standard weights and measures.** The state shall have a complete set of copies of the original standards of weights and measures adopted by this article, which shall be used for adjusting county standards, and the original standards shall not be used except for the adjustment of this set of copies and for scientific purposes.

The state superintendent of weights and measures shall see that the foregoing provisions of this section are complied with and procure such apparatus and fixtures, if the same have not already been procured, as are necessary in the comparison and adjustment of the county standards.

He shall cause all the city and county standards to be impressed with the emblem of the United States, the letters "N. Y.," and such other devices as he shall direct for the particular county.

§ 13. County sealer; duties of county sealer; duty of supervisors.

There shall be a county sealer of weights and measures in each county, who shall be appointed by the board of supervisors and hold office during the pleasure of such board. He shall be paid a salary determined by the board of supervisors and shall be provided by them with the necessary working equipment of standard weights and measures. He shall take charge of and safely keep the county standards. Where not otherwise provided by law, the county sealer shall have the power within his county to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical devices for measurement and the tools, appliances or accessories connected with any or all such instruments or measurements used or employed within the county by any proprietor, agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award. He shall at least twice in each year and as much oftener as he may deem necessary see that the weights, measures and all apparatus used in the county are correct. He may for the purposes above mentioned, and in the general performance of his official duties, enter or go into or upon and without formal warrant, any stand, place, building or premises or may stop any vender, peddler, junk dealer, coal wagon, ice wagon or any dealer whatsoever, for the purposes of making the proper tests. Wherever the county sealer finds a violation of the statutes relating to weights and measures he shall cause the violator to be prosecuted. The county sealer shall keep a complete record of the work done by him and shall make an annual report to his board of supervisors, and an annual report, duly sworn to, not later than the first of December to the state superintendent of weights and measures. The county sealer of weights and measures shall forthwith on his appointment give a bond, with sureties to be approved by the appointing power, for the faithful performance of the duties of his office and for the safety of the local standards and such appliances for verification as are committed to his charge and for the surrender thereof immediately to his successor in office or to the person appointed by

the proper authority to receive them. (Amended by Laws of 1910.)

§ 14. **City sealer.** There shall be a city sealer of weights and measures to be appointed by the mayor with the approval of the common council of each city. He shall be paid a salary to be fixed and determined by the board or body authorized to determine salaries of city officials, and no fees shall be charged or received by him or by the city for the inspection or testing of weights, measures, or weighing or measuring devices. He shall perform in his city the duties of and have like powers as a county sealer in a county. This section shall not apply to the city of New York. (Amended by Laws of 1910.)

§ 15. **Weights and measures to be sealed.** Whenever the sealer of a city or county compares weights and measures and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal and mark such weights and measures with the appropriate devices. (Amended by Laws of 1910.)

CHAPTER 81, LAWS OF 1912

(With amendments of chapters 426 and 514 of Laws of 1913.)

AN ACT to amend the general business law, in relation to weights, measures and containers, and to repeal section two hundred and sixty-three of the agricultural law. This became a law on May 22, 1912.

Section 1. Chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended by adding thereto, at the end of article two, eight new sections, to be sections sixteen, sixteen-a, seventeen, seventeen-a, seventeen-b, seventeen-c, eighteen, and eighteen-a, to read, respectively, as follows:

§ 16. **Method of sale of certain commodities.** All meat, meat products and butter, shall be sold or offered for sale by weight. All other commodities not in containers shall be sold or offered for sale by standard weight, standard measure or numerical count, and such weight, measure or count shall be marked on a label or a tag attached thereto; provided, however, that vegetables may be sold by the head or bunch.

§ 16-a. **Certain sizes of containers when used for vegetables, produce and fruit prescribed.** No person shall manufacture, sell, offer or expose for sale containers for vegetables, produce or fruit that are not of the capacity of one barrel, half-barrel, one bushel, or multiples of the barrel or sub-multiples of the bushel divisible by two; provided, however, that fruits, vegetables and produce may be sold in other sized containers if the net capacity in terms of standard dry measure is plainly and conspicuously marked, branded or otherwise indicated in the English language on the outside or top thereof, or is marked in accordance with the provisions of section seventeen. A barrel within the meaning of this and the ensuing sections of this article shall represent a quantity equal to seventy hundred and fifty-six cubic inches or conform to the following dimensions: Head diameter, seventeen and one-eighth inches; length of stave, twenty-eight and one-half inches; bilge not less than sixty-four inches outside measurement; distance between heads not less than twenty-six inches; and to be known as a standard barrel. A reasonable variation of the capacity specified shall be allowed.

§ 16-b. **Standard grape basket.** The standard four-pound grape basket shall be of the following dimensions:

The bottom shall be three and five-eighths inches in width and nine and five-eighths inches in length; the height shall be four and one-quarter inches; the outside of the top shall be five inches in width and eleven inches in length, requiring a cover of five inches by eleven inches. The standard eight-pound grape basket shall be of the following dimensions: The bottom shall be four and three-fourths inches in width and twelve and one-fourth inches in length; the height shall be five and one-eighth inches; the outside of the top shall be six and one-half inches in width and fourteen and one-half inches in length, requiring a cover of six and one-half by fourteen and one-half inches. The standard twenty-pound basket shall be of the following dimensions: The bottom shall be seven and one-eighth inches in width and fifteen inches in length; the height shall be six and three-fourths inches; the outside of the top shall be nine and one-half inches in width and eighteen inches in length, requiring a cover of nine and one one-half inches by eighteen inches. Any container complying

with such dimensions and capacity need not be marked, tagged or otherwise branded, to indicate the net quantity of the contents, or to specify the same in terms of weight, measure or numerical count. No person shall manufacture, sell, offer or expose for sale, containers for grapes or other fruit, in this state, as the standard four-pound grape basket or the standard eight-pound grape basket, which are of less dimensions than those specified in this section, unless the net quantity of the contents of each container or a statement that the specified weight includes the container, the weight of which shall be marked, shall be plainly and conspicuously marked, branded or otherwise indicated on the side of such container, in terms of weight, measure or numerical count. (Sec. 16-b added by chap. 426, Laws 1913.)

§ 17. **Net contents of containers to be indicated on the outside thereof.** When commodities are sold or offered for sale in containers of other sizes than those specified in section sixteen-a or whose sizes are not otherwise provided by statute, the net quantity of the contents of each container, or a statement that the specified weight includes the container, the weight of which shall be marked, shall be plainly and conspicuously marked, branded or otherwise indicated on the outside or top thereof or on a label or a tag attached thereto in terms of weight, measure or numerical count; provided, however, that reasonable variations shall be permitted.

§ 17-a. **When sections sixteen, sixteen-a and seventeen shall not apply.** Sections sixteen, sixteen-a and seventeen shall not apply to containers or commodities in containers with ornamentations or decorations exclusively for gifts or social favors, or to commodities dispensed for consumption on the premises, or to commodities or containers put in receptacles used merely for the purpose of carrying or delivering of commodities or containers complying with the provisions of such sections, or when the numerical count of the individual units is six or less, or in the case of liquids when the contents is two fluid ounces or less, or when the weight of the contents is three avoirdupois ounces or less, or to commodities packed, put up or filled prior to eight months after this section takes effect, or to barrels, half barrels, quarter barrels, casks, kegs and packages used for the purpose of containing maltous beverages; or to bottles used for the purpose of the bottling of

spirituous, maltous, vinous, or carbonated beverages until two years after this section takes effect. (Sec. 17-a as amended by chap. 514, Laws 1913.)

§ 17-b. **Guaranty furnished by wholesale, jobber or manufacturer.** No person shall be prosecuted under the provisions of this article, following section fifteen thereof, when he can show a guaranty signed by a wholesaler, jobber or manufacturer, residing in the state of New York from whom he purchased the commodity in containers to the effect that they were not incorrectly marked within the meaning of such sections of this article. The person making the sale and guaranty shall then be amenable to the prosecution, fines, and other penalties which would in due course attach to the dealer under the provisions of such sections. The name appearing on the container and the marking as provided by section seventeen shall be deemed to constitute a guaranty.

§ 17-c. **Definition of terms "container" and "person."** "A container" as used in this article, following section fifteen thereof, shall include any carton, box, crate, barrel, half-barrel, hamper, keg, drum, jug, jar, crock, bottle, bag, basket, pail, can, wrapper, parcel or package. "A person" as used in such sections shall be considered to import both the singular and the plural and shall include corporations, companies, societies and associations, and whether acting through an agent or servant.

§ 18. **Examinations and prosecutions.** The examination of the weight, measure or numerical count of the contents of containers as provided by section seventeen shall be made by the state superintendent of weights and measures or under his supervision or direction by any of the weights and measures officials of the state; except that in the city of New York such examination shall be made by the commissioner of the mayor's bureau of weights and measures of the city of New York. When after such examination there is cause to believe that a provision of section seventeen has been intentionally violated the state superintendent of weights and measures shall, after notifying in writing the person so accused of such accusation, certify the results to the attorney-general with a copy of the results of the examination duly authenticated under oath by the official making examination. The attorney-general shall cause appropriate proceedings in the name of the people of

the state of New York to be commenced and prosecuted in the proper courts of the state without delay for the enforcement of the penalties therefor; except that in the city of New York the commissioner of the mayor's bureau of weights and measures shall in cases where he acts, after notifying in writing the person so accused of such accusation certify the result to the attorney-general, with a copy of the result of the examination duly authenticated under oath by the official making such accusation. Such attorney-general shall cause appropriate proceedings in the name of the people of the state of New York to be commenced and prosecuted in the courts of the state of New York without delay for the enforcement of the penalties therefor. The state superintendent of weights and measures with the co-operation of the chief or principal weights and measures officials of the cities of the first class shall establish uniform tolerances or amounts of reasonable variation and shall make uniform rules and regulations for carrying out the provisions of sections sixteen, sixteen-a, seventeen, seventeen-a and seventeen-b.

§ 18-a. **Penalties.** A person violating any of the provisions of sections sixteen, sixteen-a, sixteen-b, seventeen, seventeen-b, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for the first and second violations, and by a fine of not less than one hundred dollars nor more than five hundred dollars for subsequent violations.

§ 2. Section nine of such chapter and section two hundred and sixty-three of chapter nine of the laws of nineteen hundred and nine, entitled "An act in relation to agriculture, constituting chapter one of the consolidated laws," are hereby repealed.

§ 3. This act shall take effect June first, nineteen hundred and thirteen.

ARTICLE 13

FLOUR AND MEAL

Section 220. How packed.

221. Size of casks.

222. How casks shall be marked and branded.

223. Casks of wheat flour, how branded.

224. Casks of rye flour, how branded.

225. Casks of meal, how branded.

226. Prohibition against wrong marking.

227. Counterfeiting marks prohibited.

228. Prohibition against the sale of mixed flour.

229. Prohibition against the transportation of Indian meal on deck.

§ 220. **How packed.** All wheat flour, rye flour, Indian meal or buckwheat meal manufactured in this state for exportation shall be packed in good strong casks made of seasoned oak or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

§ 221. **Size of casks.** The casks shall be of two sizes only. One size shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches long and each head sixteen and one-half inches in diameter; and the other size shall contain ninety-eight pounds, with staves twenty-two inches long and each head fourteen inches in diameter, or with staves twenty-seven inches long and each head not more than twelve inches in diameter. But Indian meal may likewise be packed in hogsheads which shall contain eight hundred pounds.

§ 222. **How casks shall be marked and branded.** The casks shall be made as nearly straight as may be, and their tare shall be marked on the head with a marking iron; they shall be branded with the weight of the flour and meal contained therein, and branded or painted with the initial letter of the christian name and the surname at full length of the manufacturer thereof; except hogsheads of Indian meal, on which the weight only shall be branded.

§ 223. **Casks of wheat flour, how branded.** Every such cask of wheat flour shall also be branded as follows: If of a very superior

quality, "extra superfine"; if of a quality now branded "superfine" with the word "superfine"; if of a third quality, "fine"; if of a fourth quality, "fine middlings"; if of a fifth quality, "middlings"; if of a sixth quality, "ship stuffs."

§ 224. **Casks of rye flour, how branded.** Each cask of rye flour intended for the first quality shall be branded with the words "superfine rye flour," and each cask intended for the second quality, with the words "fine rye flour."

§ 225. **Casks of meal, how branded.** Each cask of Indian meal shall be branded with the words "Indian meal"; and each cask of buckwheat meal, with the letter and the word "B meal."

§ 226. **Prohibition against wrong marking.** A person shall not knowingly offer for sale any cask of flour or meal upon which the tare is undermarked, or in which there is a less quantity of meal than is branded thereupon. A manufacturer of flour or meal shall not undermark the tare of any cask, or put therein a less quantity of meal than is branded thereupon; but if the light weight of any such cask has been occasioned by some accident unknown to the manufacturer, and which happened after the packing of the cask, it shall not be deemed a violation of this section.

A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for every such violation.

§ 227. **Counterfeiting marks prohibited.** No person shall alter or counterfeit any brand marks, whether state or private, made under the provisions of this article, or put any flour or meal in any empty cask previously used and branded, and offer the same for sale in such cask without first cutting out the brands.

A person violating the provisions of this section in regard to altering or counterfeiting any brand marks shall forfeit to the people of the state the sum of one hundred dollars for each such violation, and a person violating any other provision of this section shall forfeit to the people of the state the sum of five dollars for each such violation.

§ 228. **Prohibition against the sale of mixed flour.** No person shall knowingly offer for sale as good wheat flour, any flour which contains a mixture of Indian meal, or any other mixtures, or any unsound flour. A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

§ 229. **Prohibition against the transportation of Indian meal on deck.** No person having charge of any vessel shall transport into the city of New York, any Indian meal upon the deck of any vessel.

Every person violating this section shall forfeit to the people of the state twenty cents for every barrel and eighty cents for every hogshead transported in violation of this section.

ARTICLE 14

BEEF AND PORK

Section 240. Barrels and tierces, how made.

241. Barrels in Suffolk, Kings, Queens and Nassau counties.

242. Qualities of pork.

§ 240. **Barrels and tierces, how made.** All barrels in which any pork or beef is repacked, shall be of good, seasoned white oak or white ash staves and heading, free from every defect; and each barrel shall contain two hundred pounds of beef or pork.

The barrel shall measure seventeen and one-half inches between the chimes, and be twenty-eight inches long, and hooped with twelve good, hickory, white oak or other substantial hoops. If made of ash staves, it shall be hooped with at least fourteen hoops. The staves and heads shall be of good thick stuff, the heads not less than three-quarters of an inch thick; and each stave, on each edge, at the bilge, shall not be less than one-half an inch thick, when finished. The hoops shall be well set and driven, and the barrels branded on the bilge with at least the initial letters of the cooper's name. The half barrel shall contain not less than fifteen, nor more than sixteen gallons, and be made in proportion to and of like materials as a whole barrel, and shall contain one-half of the quantity of beef or pork of the whole barrel.

The tierce shall be made in proportion to and of like materials as a barrel, and shall contain three hundred pounds of beef or pork.

§ 241. **Barrels in Suffolk, Kings, Queens and Nassau counties.** All beef and pork which is repacked in and exported from the counties of Suffolk, Kings, Queens and Nassau, may be packed in

barrels as nearly straight as may be, made of good, seasoned red oak staves and heading of the growth of such counties respectively, free from sap and every defect and made otherwise as above directed.

§ 242. **Qualities of pork.** Every barrel of pork shall be branded on one of its heads by its name, and contain either "mess pork," "prime pork" or "cargo pork." "Mess pork" consists of the sides of good, fat hogs, exclusive of all other pieces. "Prime pork" is pork of which there is in a barrel not more than three shoulders, the legs being cut off at the knee joint, not more than twenty-four pounds of heads which have the ears and snouts cut off, the snouts cut off to the opening of the jaws, and the brains and bloody *grizzle taken out of the heads; and the rest made up of side pieces, neck and tail pieces. "Cargo pork" is pork of which there is not in a barrel more than thirty pounds of head and four shoulders and it shall be otherwise merchantable pork. "Side pork" so repacked, shall be cut from the back bone to the belly, in pieces about five inches wide, and which in weight are not under four pounds; otherwise, the barrels containing the same shall not be branded merchantable pork.

ARTICLE 15

HOPS AND HAY

Section 250. Bales of hops to be marked.

251. Adulteration of hops prohibited; counterfeiting marks.

252. Standard weight of hop bales and tare thereon.

253. Bales of hay to be marked.

254. Prohibition against the adulteration of hay.

255. Weight to be marked on bale.

§ 250. **Bales of hops to be marked.** Every person putting up hops for sale or exportation shall mark or stamp on each bale or other package containing the same, in a legible manner, the initial letter of his christian name, and his surname at full length, and the gross weight of such bale or package, before its removal from the place where the hops are put up.

* So in original.

A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

§ 251. **Adulteration of hops prohibited; counterfeiting marks.** No person shall intermix with any hops any foreign or improper substance, or in any manner adulterate their quality.

No person shall counterfeit the marks on any bale or package of hops, or empty any bale or package of hops so marked, for the purpose of putting therein other hops for sale or exportation, without first erasing such marks.

A person violating any provision of this section shall forfeit to the people of the state the sum of one hundred dollars for each such violation.

§ 252. **Standard weight of hop bales and tare thereon.** A bale of hops sold in this state shall not weigh less than one hundred and seventy-five nor more than two hundred and ten pounds. The tare to be deducted is five pounds. The standard weight of sacking for baling is not less than twenty-four nor more than thirty ounces for each yard; five yards thereof is the maximum quantity to be used for each bale, and any excess in the weight of such sacking or other extraneous matter used in baling may be deducted as additional tare.

§ 253. **Presser of hay and straw defined; correct scales to be used; bales to be marked.** The term "presser" as used in this and the following sections of this article shall mean the person, firm, association or corporation owning or having possession and operating the hay press. A presser who presses hay or straw for market shall use correct scales, properly sealed. Every presser of hay or straw for market shall mark each bale of any of such commodities pressed by him with his name and business address and the correct weight of the bale. These markings shall be made upon a tag, securely fastened to the bale, of not less than one and one-half inches in width and three inches in length.

A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation. (Sec. 253, as amended by chap. 96, Laws 1913.)

§ 254. **Prohibition against the adulteration of hay.** No person shall put or conceal in any such bundle of hay any wet or damaged hay, or other materials, or hay of any inferior quality, to that which plainly appears upon the outside of such bundle.

A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

§ 255. **Weight to be marked on bale.** The gross weight shall be plainly marked on each bale of hay or straw sold or offered for sale in this state; and no baled hay or straw shall be so sold or offered for sale which weighs less than such gross weight after deducting five pounds from such bale for shrinkage. And no baled hay or straw shall be sold or offered for sale with more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood for bales weighing less than two hundred pounds.

A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for each such violation.

ARTICLE 25-a

LAWS OF 1911, CHAPTER 825

SALE OF COAL, COKE AND CHARCOAL

Section 383. Coal, coke and charcoal to be sold by weight.

384. Delivery tickets.

385. Proviso as to delivery of entire cargo or carload of coal.

386. Sizes of markings of bags and baskets.

387. How coal, coke or charcoal may be reweighed.

388. Seller shall not refuse to allow coal, coke or charcoal to be reweighed.

389. Penalties.

389-a. Application of article.

§ 383. **Coal, coke and charcoal to be sold by weight.** Coal, coke and charcoal shall be sold by weight except as hereinafter provided. A person, firm or corporation shall not attempt to sell or deliver less than two thousand pounds by weight to the ton of coal, coke or charcoal, or a proper proportion thereof in quantities less than a ton, and such coal, coke or charcoal shall be duly weighed on scales that have been tested and sealed by the official charged with such testing; provided, however, that in all cases thirty pounds to the ton shall be allowed for the variation in scales and wastage.

§ 384. **Delivery tickets.** No person, firm or corporation delivering coal, coke or charcoal shall deliver or cause to be delivered any quantity or quantities of coal, coke or charcoal, without each such delivery being accompanied by a delivery ticket, and a duplicate thereof, on each of which shall be in ink, or other indelible substance, distinctly expressed in pounds the quantity or quantities of coal, coke or charcoal contained in the cart or wagon or other vehicle used in such delivery, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of such tickets shall be delivered to the purchaser specified thereon, and the other of such tickets shall be retained by the seller.

§ 385. **Proviso as to delivery of entire cargo or carload of coal.** The preceding section shall not apply to coal delivered by the entire cargo direct from the vessel containing the same to one destination and accepted by the purchaser on the original bill of lading as proof of weight, or from a full car loaded with coal; but with every such delivery of an entire cargo or carload of coal there shall be delivered to the purchaser thereof by the consignor, one of the original bills of lading or shipping notices issued to or by the person, firm or corporation by whom the coal was loaded into the vessel or car from which such coal is delivered to the purchaser of the entire cargo or carload thereof, on each of which bills of lading there shall be in ink or other indelible substance distinctly expressed the date and place of loading such cargo or car and the number of pounds contained therein.

§ 386. **Sizes of markings of bags and baskets.** Baskets or bags used for the delivery of coal, coke or charcoal, shall be of such capacity as to hold stricken full approximately one hundred pounds of anthracite coal; but baskets or bags of other sizes used for delivery may be used if the amount of anthracite coal they will contain stricken full is indelibly marked on the outside thereof in solid roman capital letters at least three inches in height. When the coal, coke or charcoal is sold in quantities less than one hundred pounds in baskets or bags or pails, the provisions ~~section~~ three hundred and eighty-four shall not apply, but such baskets, bags or pails shall have the weight of the contents

plainly marked on the outside side thereof in solid roman capital letters at least one inch in height; but charcoal or coke in quantities less than one hundred pounds may be sold by standard dry measure, and in such cases the bag, basket or pail shall have plainly marked on the outside side thereof the capacity in terms of standard dry measure in solid roman capital letters at least one inch in height.

§ 387. **How coal, coke or charcoal may be reweighed.** A weights and measures official of the state, of the city or of the county who finds any quantity of coke, coal or charcoal ready for delivery, may in his discretion direct the person in charge of the goods to convey the same without delay to scales designated by such official, who shall there determine the quantity of the goods and shall determine their weight with the weight of the vehicle in which they are carried and shall direct said person to return to such scales forthwith upon unloading the goods, and upon such return the official shall reweigh the vehicle in a manner similar to that in which it was weighed with the goods. The scale designated by the official as aforesaid may be any scale which has been duly tested and sealed and shall be such scales as are in his judgment the most convenient of those available.

§ 388. **Seller shall not refuse to allow coal, coke or charcoal to be reweighed.** No seller of coal, coke or charcoal shall refuse to permit a weights and measures official to weigh the coal, coke or charcoal purchased from him to be reweighed at the request of the purchaser or at the request of the weights and measures official. No driver or any other person in charge of the vehicle containing coal, coke or charcoal or from which coal, coke or charcoal has been delivered shall refuse to take the same at the request of the purchaser or of the weights and measures official to scales as aforesaid for the purpose of having the same weighed, but when there is a charge for weighing such charge shall be paid by the one making the request.

§ 389. **Penalties.** A violator of any of the preceding sections shall be guilty of a misdemeanor and shall upon conviction be liable to a fine of not over fifty dollars for the first offense and not over one hundred dollars or two months' imprisonment, or both, for the second and each subsequent offense.

§ 389-a. **Application of article.** This article shall not apply to the city of New York.

§ 2. Sections one hundred and fifty to one hundred and sixty, both inclusive, of chapter twenty-six of the laws of nineteen hundred and nine, entitled "An act in relation to cities, constituting chapter twenty-one of the consolidated laws," are hereby repealed.

§ 3. This act shall take effect September first, nineteen hundred and eleven.

ARTICLE 26

MISCELLANEOUS

Section 390. **Marking canned goods.**

391. **Marking small fruit packages or baskets.**

392. **Repacking fruit and farm produce.**

393. **Marking ginseng.**

394. **Marking thread.**

395. **Marking oyster kegs and cans.**

* * * * *

§ 390. **Marking canned goods.** No packer of or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food within this state, excepting canned or condensed milk or cream, shall sell or offer the same for sale for consumption within this state, unless the cans or jars containing the same shall have plainly printed upon a label thereupon, with a mark or term clearly indicating the grade or quality of the articles contained therein, the name, address and place of business of the person, or corporation canning or packing them, or the name of the wholesale dealer in the state selling or offering the same for sale, and the name of the state, county and city, town or village where packed, preceded by the words "packed at."

If containing soaked goods or goods put up from products dried or cured before canning, there shall also be printed upon the face of such label in good legible type, one-half of an inch in height and three-eighths of an inch in width, the word "soaked."

Goods imported from foreign countries of foreign manufacture shall not be subject to the provisions of this section.

Any person violating any of the provisions of this section shall forfeit to the city, village, or town where the violation occurs,

the sum of fifty dollars, if a retail dealer, and the sum of five hundred dollars, if a wholesale dealer or packer.

§ 391. **Penalties for marketing small fruits or baskets or selling fruit therein.** Any person in this state who sells or offers for sale fruit packages that are of less than the standard sizes and capacity as defined in section five, or any person who sells or offers for sale fruit in packages that are of less size or capacity than those defined in section five, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined not less than five dollars and not more than twenty-five dollars, for each violation and each sale shall constitute a separate violation, but a variation of not more than seven per centum shall not be deemed a violation under this section. (Section 391, as amended by Laws of 1909; in effect October 1, 1909.)

§ 392. **Repacking fruit and farm produce.** A person, firm or association who purchases fruit or farm produce in barrels, boxes or other packages, and empties, or causes to be emptied, such barrels, boxes or other packages, and repacks, or causes to be repacked therein the same or other fruit or farm produce, shall, before any such repacked barrel, box or other package is sold, or offered or exposed for sale, erase or otherwise obliterate the name of the grower or producer, if found thereon. Every such person, firm or association selling, or offering or exposing for sale fruit or farm produce which has been emptied from and repacked in the barrels, boxes or other packages in which they were purchased, without erasing or otherwise obliterating the name of the grower or producer of such fruit or farm produce, if found thereon, as above provided, shall be subjected to a penalty of fifty dollars for each barrel, box or other package of fruit or farm produce so sold, offered or exposed for sale.

§ 393. **Marking ginseng.** No person shall sell, offer or expose for sale in this state, any ginseng roots or seeds foreign to the United States, or ginseng roots or seeds raised from stock imported from any country outside the United States, except in packages to which shall be securely affixed a label, stating in plain English language, the name of such foreign country in which the roots or seeds were originally grown.

§ 394. **Marking thread.** Every person or firm engaged in the manufacture of sewing, darning, crochet, or embroidery thread of cotton, linen or silk, or in putting up such thread on spools or in balls, skeins, tubes, bobbins, cones or other packages, shall before the same is offered for sale, affix to or impress upon each spool, ball, skein, tube, bobbin, cone or other package of thread so manufactured or put up, a label or stamp designating its weight in pounds and ounces or length in yards; provided, that where from the shape or size of the package it is impossible so to affix such label or stamp, the same shall be affixed to the box in which such packages are put up. If any such person or firm shall neglect to affix to, or impress upon, any such spool, ball, skein, tube, bobbin, cone, package or box such label or stamp, or shall, with intent to deceive, affix to or impress upon, any such spool, ball, skein, tube, bobbin, cone, package or box a label or stamp specifying that it contains a number of yards or a quantity of thread greater by five per centum or more than it does in fact contain, then such person or firm shall forfeit the sum of twenty dollars for each spool, ball, skein, tube, bobbin, cone, package or box, which, without such label or stamp, or falsely so labeled or stamped, shall be sold, or be delivered to any person to be sold, said sum of twenty dollars for each violation of this section to be recovered in an action by any person or firm who will sue for the same, one-half whereof shall be paid to the state treasurer.

Any person or firm knowingly selling any sewing, darning, crochet or embroidery thread of cotton, linen or silk either without a label or stamp specifying the quantity or length thereof, or with a label and stamp falsely stating such quantity or length, shall forfeit the sum of twenty dollars for each spool, ball, skein, tube, bobbin, cone, package or box so sold without label or incorrectly labeled, said sum of twenty dollars for each violation of this section to be recovered in an action by any person or firm who will sue for the same, one-half whereof shall be paid to the state treasurer.

§ 395. **Marking oyster kegs and cans.** Every person engaged in putting up oysters for sale in kegs or cans, or offering them for sale in kegs or cans, not previously marked or branded, shall

mark or brand such kegs or cans with the true quantity of oysters in pints, quarts or gallons, which they may respectively hold, and not more than one-quarter of such quantity shall be liquid.

Every person violating any provision of this section shall forfeit to the city, village or town where the violation occurs, the sum of one hundred dollars for every such violation.

CHAPTER 55, LAWS OF 1909

CHAPTER 53 OF THE CONSOLIDATED LAWS — SECOND-CLASS CITIES LAW

ARTICLE 14

SUPERVISORS; SEALER OF WEIGHTS AND MEASURES

§ 211. **Sealer of weights and measures.** The sealer of weights and measures shall, within the city, have the powers and perform the duties of sealer of weights and measures of towns under the general laws of the state. He shall supervise the weighing of coal and perform such other duties as may be prescribed by law or ordinance of the common council. He shall receive a salary, to be fixed by the board of estimate and apportionment, and no fees shall be charged or collected by him or by the city for his services.

CHAPTER 65, LAWS OF 1900

AN ACT TO AMEND THE CODE OF CIVIL PROCEDURE GENERALLY — SECTION 1

§ 841a. **Testimony of surveyor and proof of standard of measurement.** No surveyor shall give evidence in any cause depending in any of the courts of this state, or before arbitrators, respecting the survey or measurement of lands which he may have made, unless if required, either such surveyor shall make oath, or it shall otherwise be shown that the chain or measure used by him was conformable to the standards of the state which were the standards of the state at the time such survey was made. An official certificate of any state, county, city, village or town sealer elected or appointed pursuant to the laws of this state, or the oath of such surveyor, that such chain or measure conformed to the state standard which shall have been furnished any such sealer

CHAPTER 569, LAWS OF 1915.

§ 421. Untrue and misleading advertisements. If any person, firm, corporation or association, or agent or employee thereof, with intent to sell or in any wise dispose of merchandise, real estate, service, or anything offered by such person, firm, corporation, or association, or agent or employee thereof, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, knowingly makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper, magazine or other publication, or in the form of a book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, or tag, or in any other way, an advertisement, announcement or statement of any sort regarding merchandise, service or anything so offered to the public which contains any assertion, representation or statement of fact that is untrue, deceptive or misleading or that amounts to an offer to sell, barter or exchange real estate, by means of prizes, rewards, distinctions, or puzzle methods, such person, corporation or association, or the members of such firm, or the agent of such person, corporation, association or firm, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

by any other method, intended to give the appearance of an offer advantageous to the purchaser, which is untrue and calculated to mislead, or who advertise to sell, barter or exchange any real estate by means of prizes, rewards or distinctions, or by any puzzle method, is guilty of a misdemeanor. Nothing contained in this section shall apply to a sale of real estate at public auction conducted by an auctioneer duly licensed by a city of the first class. (Sec. 421, as amended by chap. 590, Laws 1913.)

§ 434. **Concealing foreign matter in merchandise.** A person who, with intent to defraud, while putting up in a barrel, bag, bale, box, or other package, cotton, hops, hay, or any other article of merchandise whatever, usually sold by weight in such packages, places or conceals therein any other substance or thing whatever, in a case where special provision for the punishment thereof is not otherwise made by statute, is guilty of a misdemeanor.

§ 435. **False labels and misrepresentations in the sale of food products.** A person, who, with intent to defraud:

1. Puts upon an article of merchandise, or upon a cask, bottle, stopper, vessel, case, cover, wrapper, package, band, ticket, label, or other thing, containing or covering such an article, or with which such an article is intended to be sold, or is sold, any false description or other indication of or respecting the kind, number, quantity, weight or measure of such article, or any part thereof, or the place or country where it was manufactured or produced or the quality or grade of any such article, if the quality or grade thereof is required by law to be marked, branded or otherwise indicated on or with such article; or,

2. Sells or offers for sale an article, which to his knowledge is falsely described or indicated upon any such package, or vessel containing the same, or labeled thereupon, in any of the particulars specified; or,

3. Sells or exposes for sale any goods in bulk to which no name or trade-mark shall be attached, and orally or otherwise represents that such goods are the manufacture or production of some other than the actual manufacturer or producer, in a case where the punishment for such offense is not specially provided for otherwise by statute; or,

4. Sells or exposes for sale any meat or meat preparation and falsely represents the same to be kosher, or as having been prepared under and of a product or products sanctioned by the orthodox Hebrew religious requirements; or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language,

Is guilty of a misdemeanor. (As amended by chap. 233, Laws 1915.)

§ 436. **Using false marks as to manufacture.** A person, who, with intent to defraud or to enable another to defraud any person, manufactures or knowingly sells or causes to be manufactured or sold, any article, marked, stamped or branded or incased or inclosed in any box, bottle or wrapper, having thereupon any engraving or printed label, stamp, imprint, mark or trade-mark which article is not the manufacture, workmanship or production of the person named, indicated or denoted by such marking, stamping or branding, or by or upon such engraving, printed label, stamp, imprint, mark or trade-mark, is guilty of a misdemeanor.

§ 437. **Penalty for selling half wine not labeled.** A person who sells, offers for sale or manufactures with intent to sell, any wine known as "half wine," which is not stamped, marked or labeled as required by law, is guilty of a misdemeanor.

ARTICLE 42

CANALS

§ 461. **Weighmaster making false entry of weight of canal boat.** A weighmaster upon any of the canals belonging to this state, and a clerk of such weighmaster, who makes a false entry of the weight of any boat, or cargo of any boat, navigating such canal, or who makes a false certificate of the light weight of any boat, knowing such entry or certificate to be false, is guilty of a misdemeanor.

ARTICLE 216

WEIGHTS AND MEASURES

Section 2410. Requiring more than the legal weight for a bushel.

2411. Using false weights and measures.

2412. Keeping false weights and measures.

2413. False weights and measures authorized to be seized.

2414. Weights and measures may be tested by committing magistrate and destroyed or delivered to district attorney.

2415. False weights and measures to be destroyed after conviction of offender.

2416. Stamping false weight or tare on casks or packages.

2417. Regulations for sale of baled hay and straw.

§ 2410. Requiring more than the legal weight for a bushel.

Where potatoes, grains or other agricultural products are sold by the bushel, without agreement as to the weight, any person requiring a greater number of pounds for a bushel than as prescribed by section eight of the general business law is guilty of a misdemeanor.

§ 2411. Using false weights and measures. A person who in-

juries or defrauds another by using, with knowledge that the same is false, a false weight, measure, or other apparatus, for determining the quantity of any commodity, or article of merchandise, or by knowingly delivering less than the quantity he represents, is guilty of a misdemeanor.

§ 2412. Keeping false weights and measures. A person who

retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, is guilty of a misdemeanor.

§ 2413. False weights and measures authorized to be seized. A

person who is authorized or enjoined by law to arrest another person for a violation of the last two sections, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same

to the magistrate before whom the person so arrested is required to be taken.

§ 2414. **Weights and measures may be tested by committing magistrate and destroyed or delivered to district attorney.** The magistrate to whom any weight or measure is delivered pursuant to the last section, must, upon the examination of the defendant, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he must cause it to be destroyed, or to be delivered to the district attorney of the county in which the defendant is liable to indictment or trial, as the interests of justice in his judgment require.

§ 2414-a. **Presumption of knowledge.** The possession or use by any person of any false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise is presumptive evidence of knowledge by such person of the falsity of such weight, measure or other apparatus. (Chap. 53, Laws 1911.)

§ 2415. **False weights and measures to be destroyed after conviction of offender.** Upon the conviction of the defendant, the district attorney must cause any weight or measure in respect whereof the defendant stands convicted, and which remains in the possession or under the control of the district attorney, to be destroyed.

§ 2416. **Stamping false weight or tare on casks or packages.** A person who knowingly marks or stamps false or short weights, or false tare on any cask or package, or knowingly sells or offers for sale any cask or package so marked, is guilty of a misdemeanor.

§ 2417. **Regulations for sale of baled hay and straw.** A person who:

1. Sells or offers for sale baled hay or straw containing more than twenty pounds of wood to the bale, the weight of which is two hundred pounds or upward, or more than ten pounds of wood to the bale the weight of which is less than two hundred pounds; or,

2. Sells or offers for sale any bale of hay or straw upon which the correct gross weight is not plainly marked or which weighs

more than five pounds less than the gross weight so marked there-upon,

Is guilty of a misdemeanor.

Designating numbers of manufacturers of milk and cream bottles or jars in compliance with chapter 470, Laws of 1910, are published in separate list.

THE RULES AND REGULATIONS AS PROMULGATED UNDER THE
PROVISIONS OF CHAPTER 81, LAWS OF 1912

UNIFORM RULES AND REGULATIONS

The following rules and regulations have been prepared by the Superintendent of Weights and Measures with the co-operation of the chief or principal weights and measures officials of the cities of the first class, namely:

John F. Farrell, Superintendent of Weights and Measures of the State of New York.

Joseph Hartigan, Commissioner of the Mayor's Bureau of Weights and Measures of the city of New York.

Charles J. Quinn, Sealer of Weights and Measures of the city of Buffalo.

J. H. Stephenson, Sealer of Weights and Measures of the city of Rochester.

(1) *General Regulations*

(a) Variations in all commodities unless otherwise stated in the regulations shall be as often above as below.

(b) All markings on containers must be on the top or side and must not be covered or obscured in any way.

(c) In cases of food, if the quantity of contents be stated by weight or measure, it shall be marked in terms of the largest unit contained in the package; for example, if the package contains a pound or pounds and a fraction of a pound, the contents shall be expressed in terms of pounds and fractions thereof, or of pounds and ounces and not merely in ounces.

(d) Whenever markings are prescribed by the regulations to be in type of various sizes or kinds, writing or other method of marking will be permitted, provided it is equal in clearness and conspicuousness to the method of marking prescribed.

(e) In connection with the weight, measure or numerical count, no qualifying word, phrase or clause shall be used; a statement such as the "minimum," "not less than," "average," "when

packed," or a statement that the contents are "over" a certain amount or a statement that the contents are "between" certain limits, is not permissible.

(f) Contents shall not be stated by numerical count, unless the commodity so sold is in definite units.

~~(g) Markings may be in terms of the metric system, anything~~

Add to regulation #1:

(h) The quantity of liquid commodities shall be stated in terms of liquid measure, unless such commodity is customarily bought and sold by weight, in which case the quantity shall be stated in terms of weight.

~~between the heads, between~~

(b) A half-barrel shall represent a quantity equal to 3,528 cubic inches. Not being a multiple of the quart, the half-barrel cannot be used as a container for fruit.

(c) Such containers other than barrels or half-barrels need not be marked if of the following sizes: Two bushels, one bushel, half-bushel, one peck, half-peck, quarter-peck, one quart, one pint and one-half pint.

(d) In measuring a barrel used or to be used as a container for vegetables, produce or fruit, the capacity thereof shall be ascertained by taking the measurement thereof between heads, or, if the barrel is so made that no top can be inserted therein, then by taking the measurement stricken full. If, when so measured, the contents equal 7,056 cubic inches, no marking need be placed on the barrel; otherwise, it must be marked as provided in section 16-a. Half-barrels shall be similarly measured.

In measuring containers used or to be used for vegetables, produce or fruit, other than the barrel or half-barrel, the capacity thereof shall be ascertained by taking the measurement thereof to the top of the sides, or if a cover is to be placed thereon, which shall come below the top of the sides, then to the lowest point of the cover. In determining such capacity, the standards of measure are the half-bushel, containing 1,075.20 cubic inches, and

multiples and subdivisions thereof of proportionate cubical contents.

Note.— This does not in any way affect the contractual rights of the buyer and seller, and when the buyer is entitled to receive heap or special measure, under sections 6 and 8 of the General Business Law, the basis of payment must be such heap or special measure.

(e) A variation in contents of one and one-half per cent ($1\frac{1}{2}\%$) will be allowed, but the variation shall not be uniformly below in a test of twelve containers taken at random.

(3) *Containers for vegetables, produce and fruit of other than standard sizes enumerated above*

(a) When not of the sizes enumerated above, the barrels shall be marked with bold, broad-faced letters at least one inch in height in terms of the fractional part of the barrel; for instance, a barrel that contains three-fourths of a standard barrel shall be marked " $\frac{3}{4}$ barrel."

(b) Baskets or containers which are not of the standard size enumerated above, shall be marked in bold, broad-faced letters, at least one-half inch in height, given in terms of dry quarts, dry pints and half-pints or in terms of net weight.

(For method of measuring, see Regulation 2 (d).)

(c) Variations or tolerances shall be allowed of the same amount as prescribed in Regulation (2).

(d) Fruit packages which vary from the standard sizes and capacity, as defined in section 5 of the General Business Law, by more than the reasonable variations allowed above, are not of a size provided by statute, and must be marked as provided in the foregoing subdivisions hereof; multiples of the quart may be used for such containers and are standard sizes under section 5; but all of such multiples must be marked, as hereinbefore provided, except the standard barrel (containing 105 quarts), the bushel, 16-quart, 8-quart, 4-quart and 2-quart sizes, even though the variation does not exceed that allowed. (The sale of such containers which vary more than seven per cent. from the standard sizes and capacity as defined in section 5 is absolutely forbidden by section 391 of the General Business Law.) Standard grape baskets may be used as provided in section 16-b of the General Business Law.

(4) *Butter.* Butter in prints shall be marked in terms of pounds or ounces in bold-faced letters at least three-sixteenths of an inch in height. The maximum variation allowed on a pound print to be three-eighths of an ounce on an individual print, provided that the average error of twelve prints, taken at random, shall not be over one-fourth of an ounce per pound. The maximum variation allowed on two-pound prints to be one-half ounce, provided that the shortage on twelve prints, taken at random, be not more than three-eighths of an ounce for two pounds.

Prints that are not of one pound or two pounds must be marked in letters at least three-eighths of an inch in height, giving the correct weight in terms of ounces or pounds and ounces.

Butter in crocks or tubs. The maximum variation allowed will be one per cent. (1%) but the variation of twelve, taken at random, must not run uniformly below.

(5) *Commodities in glass bottles or jars.* Commodities in glass bottles shall show the contents in one of the following ways:

(a) The contents in terms of gallons, quarts, pints, or half-pints, or in terms of fluid ounces, may be blown in the side or neck of the bottle. Such letters shall be at least three-eighths of an inch ($\frac{3}{8}$ ") in height for bottles containing six ounces or over, and one-fourth of an inch ($\frac{1}{4}$ ") for bottles containing over two fluid ounces but less than six fluid ounces, and must be exposed, that is, must not be covered by a label or other covering.

(b) The contents of the bottle may be stated in terms of weight or of fluid measure, the weight being indicated in terms of pounds and ounces and the fluid measure being indicated in terms of gallons, quarts, pints, half-pints or gills or fluid ounces, when contents are liquid the amount should not be stated in terms of weight. The marking to be on a tag attached to the bottle or upon a label. The letters shall be in bold-faced type at least one-ninth of an inch ($\frac{1}{9}$ ") in height for bottles or jars having a capacity of gill, half-pint, one pint or multiples of a pint, and letters at least three-sixteenths of an inch ($\frac{3}{16}$ ") in height for bottles of other capacities on a part of the tag or label free from other printing or ornamentation, leaving a clear space around the marking which indicates the contents.

(c) If the marking is etched or ground in the surface of the

bottle the letters and figures shall be at least one-quarter of an inch ($\frac{1}{4}$ ") in height. The manner of expressing the contents being the same as those indicated in (a) and (b) above.

The following variations in the amount of contents will be allowed, such variations to be as often above as below; above 40 ounces a variation of two per cent. (2%) will be allowed.

Size or capacity in fluid ounces	Capacity in fluid drams	Maximum allowable error above or below
Up to 3	24	2.00 fl. drams.
4	32	2.40
5	40	2.80
6	48	3.20
6½	52	3.66
7	56	3.82
7½	60	3.98
8	64	4.14
8½	68	4.30
9	72	4.46
9½	76	4.62
10	80	4.78
10½	84	4.94
11	88	5.10
11½	92	5.26
12	96	5.42
12½	100	7.17
13	104	7.33
13½	108	7.49
14	112	7.65
14½	116	7.81
15	120	7.97
15½	124	8.13
16	128	8.29
16½	132	7.77
17	136	7.91
17½	140	8.05
18	144	8.19
18½	148	8.33
19	152	8.47

Size or capacity in fluid ounces	Capacity in fluid drams	Maximum allowable error above or below
20	160	8.75 fl. drams.
20½	164	8.89
21	168	9.03
21½	172	9.17
22	176	9.31
22½	180	9.45
23	184	9.59
23½	188	9.73
24	192	9.87
24½	196	10.01
25	200	10.15
25½	204	10.29
26	208	10.43
26½	212	10.57
27	216	10.71
27½	220	10.85
28	224	10.99
28½	228	11.13
29	232	11.27
30	240	11.55
30½	244	11.69
31	248	11.83
31½	252	11.97
32	256	12.11
32½	260	12.50
33	264	12.72
34	272	12.86
35	280	13.10
36	288	13.34
37	296	13.58
38	304	13.82
39	312	14.06
40	320	14.30

(6) *Pastes*, whether put up in tubes, in cans or in boxes, shall be marked plainly and conspicuously either with the fluid content or with the weight. No fixed percentage variation is established

and in all cases the variation shall come within reasonable limits, according to good commercial usages for the commodity in question.

(7) *Commodities which appear as a unit in the state of nature* may be sold either by weight, measure or numerical count. Where the numerical count is more than six, the container must be marked in letters at least half as large as the largest printing on the side or top of the packages on which the indication appears, or where no other printing is present, in letters at least one-fourth of an inch ($\frac{1}{4}$ ") in height.

(8) *Hams, bacon and smoked or cured meat products* must be sold with a written representation as to net weight by the retailer to the consumer.

The wholesaler or packer must sell such meat products with a written representation as to net weight and on wrapped meat products the wholesaler or packer shall mark the gross and tare weight. This shall be marked so that the tag or label or part thereof which bears the gross indication is removable or detachable, whereas the tag or label or part thereof indicating the tare weight is non-removable or permanently attached to the wrapping or marked upon the wrapping.

When such products are sold in barrels or packing cases, it will be sufficient to mark the tare on the individual wrapped units in such barrels or packing cases and the gross and tare on the outside of the barrel or case.

The lettering shall be at least one-ninth of an inch in height, bold-faced letters. A variation of one and one-half per cent. ($1\frac{1}{2}\%$) in weight will be allowed.

The above regulation requires the retailer, when he keeps the meat in stock for any length of time, to remove the gross weight tag and reweigh and sell by the actual weight delivered to the consumer, and to see, in any event, that the net weight, or both the gross and tare weights, appear on the container at the time of sale by him.

(9) *Dry goods.* All piece goods, except such ready-to-wear articles as millinery, notions, neckwear, which may be sold by numerical count, must be sold by linear measure and the marking must be on the outside of the package in letters at least as large

as the average size of marking on the package, where such marking exists; if no other marking exists, then the letters must be at least one-ninth of an inch (1-9") in height. A variation of one per cent. (1%) will be allowed.

(10) *Woolen yarn* must be sold either by weight or by linear measure. If sold in or by package, such package must be marked in letters at least one-ninth of an inch (1-9") in height with the weight or measure contained therein. A variation of five per cent. (5%) will be allowed.

(11) *Twine and cordage*. Each ball, tube and bale must be marked with the weight or linear measure of the twine or cordage, the weight being the net weight or the gross and tare weights. If a number of balls, tubes, cones, coils or reels are sold in a container and are not sold separately, it will be sufficient if the total length or weight be marked on the container. A variation of four per cent. (4%) will be allowed. For balls, tubes, etc., of less than sixteen ounces in net weight, the letters shall be at least one-sixteenth of an inch (1-16") in height, bold-faced type; for balls, tubes, etc., over sixteen ounces, the letters shall be at least one-ninth of an inch (1-9") in height; for containers holding over four pounds the letters shall be at least one-half inch ($\frac{1}{2}$ ") in height.

(12) *Matches*. Boxes containing matches may be sold:

(a) By the box.

(b) May be marked on the outside of the box with the cubical content in terms of cubic inches.

(c) May be marked with the number of matches in the box.

The lettering to be plain and conspicuous. No specific percentage variation is prescribed but in each case the variation to be reasonable and to be governed largely as to whether the box is reasonably filled or not.

(13) *Sales slips*. In case of sales of commodities not in containers, when circumstances make it impracticable to place the marking on or attach it to the commodity, a sales slip showing the name of the seller, identifying the commodity sold and showing the required weight, measure or numerical count may be delivered to the purchaser at the time of the sale or delivery, and in such case no other marking will be required. Such sales slip

must give in writing the requisite information with equal clearness and distinctness as if marked on or attached to the commodity. The provisions of any regulation requiring the marking to be on or attached to the commodity will not be complied with by the use of a sales slip.

(14) *Candy*. Candy in containers must be marked in one of the following ways:

- (a) The net weight of the contents.
- (b) The gross weight and the weight of the container immediately under the statement of the gross weight, and in similar terms.

Size of letters in all of the above cases to be bold-faced type at least one-ninth of an inch in height for weights of one-half pound, one pound or multiples of one-half pound — otherwise, the letters shall be bold-faced type letters at least three-sixteenths of an inch in height.

No specific per cent. variations are prescribed, but twelve boxes taken at random shall have the average not varying more than two per cent. (2%) from the amount stated on the individual containers.

(15) *Canned goods*. Canned goods must be marked in one of the following ways:

- (a) Weight of the total contents, fruit or vegetable plus syrup or brine, in terms of pounds or ounces.
- (b) Weight of the fruit or vegetable and the weight of the immersing fluid separately, both being expressed in the same terms, and one immediately under the other.
- (c) Total contents in terms of gallons, quarts, pints, one-half pints, gills or fluid ounces.

In each case letters if printed on a label shall be bold-faced type letters at least one-ninth inch (1-9") in height for cans where the weight of contents be in quarter-pound, half-pound, pound or multiples of the half-pound or where the contents are in terms of gallons, quarts, pints, half-pints or gills — otherwise, the letters shall be bold-faced type letters at least three-sixteenths (3-16") of an inch in height. If stamped in the tin, the letters must be at least three-eighths (3-8") of an inch in height.

The average of twelve cans taken at random shall not vary more than three (3%) per cent. from the amount stated on the can.

(16) *Cheese*. Cheese must be marked in terms of pounds or ounces; if under five pounds in weight, in bold-faced type letters at least one-ninth (1-9") of an inch in height; if over five pounds in weight, in bold-faced type letters at least three-sixteenths (3-16") of an inch in height. The weight shall be the actual net weight at time of delivery. A variation of three (3%) per cent. will be allowed.

(17) *Drugs and chemicals*. Drugs and chemicals sold at wholesale shall be marked with the net weight or measure or the gross and tare weight. Allowable variations in weight or measure are such as prescribed by the Drug Trade Section of the New York Board of Trade and Transportation.

The size of the letters shall be bold-faced type letters at least one-ninth (1-9") of an inch in height for pounds, or multiples of the half-pound or for quantities in gallons, quarts, pints or multiples of the gallon. All other quantities shall be in bold-faced type letters at least three-sixteenths of an inch in height.

(18) *Retail drugs*. The marking shall be in one-ninth of an inch (1-9") bold-faced letters where the weight or measure is in pints, half-pints, multiples of the half-pint, or in pounds, half-pounds, or multiples of the half-pound; otherwise lettering shall be three-sixteenths of an inch (3-16"). The variation will depend upon the individual substance where such variation is not already prescribed for bottled goods. Such variation will be estimated on fifty containers, or so many less than that number as may be in one place.

(19) *Cereals*. Cereals shall be marked with the weight of the contents when the weight is one pound, half-pound, one and one-half pounds or multiples of a half-pound in letters which shall be bold-faced type at least one-ninth (1-9") of an inch in height. If the weights are other than those enumerated above, they shall be marked in bold-faced type at least three-sixteenths (3-16") of an inch in height.

An average of twelve packages taken at random shall not show a variation of more than three (3%) per cent. from the weight stated on the package.

(20) *Paints, oils and varnishes.* Paints, oils, varnishes, japans and similar commodities must be marked in one of the following ways:

(a) Weight of the contents in terms of pounds and ounces.

(b) Fluid contents in terms of gallons, quarts, pints, half-pints and gills or fractional parts of these.

In each case the markings shall be plain and conspicuous, in bold-faced type. A variation of three per cent. (3%) will be allowed, except that in cases of collapsable tubes no fixed per cent. variation is established, the variation to be within reasonable limits and good commercial practice.

(21) *Bread.* Unwrapped bread shall be sold by net weight, which shall be marked on the bread or on a label attached thereto, or on a sales slip, as provided in regulation (13); wrapped bread shall have the net weight marked on the wrapper; markings shall be in bold-faced type letters at least one-ninth (1-9") of an inch in height for bread which weighs one-half pound, one pound, one and one-half pounds, two pounds, two and one-half pounds or three pounds, and in letters at least three-sixteenths (3-16") of an inch in height for weights other than those specified above. A variation of ten (10%) per cent. will be allowed.

(22) *Soap.* Soap may be sold by numerical count and the count shall be full count. When sold by weight, the weight shall be the actual weight at the time of delivery.

(23) *Beer.* On beer and ale bottles the marking shall be as prescribed in Regulation 5. A variation of six (6%) per cent. will be allowed.

(24) *Flour.* Containers of flour shall be marked with the net weight of the flour. Where the contents is less than ten pounds the size of the letters indicating the weight shall be at least one-ninth (1-9") of an inch bold-faced letters. For packages containing from ten pounds to one hundred the size of the letters shall be at least one-quarter ($\frac{1}{4}$ ") of an inch bold-faced type. For packages containing over one hundred pounds the size of the letters shall be at least one-half ($\frac{1}{2}$ ") an inch bold-faced type. A variation of three (3%) per cent. will be allowed.

(25) *Pills, capsules and tablets.* Pills, capsules and tablets, the dose of which is customarily prescribed in numerical terms,

when sold at retail, must be sold by numerical count, and when more than six in number the container must be marked in bold-faced letters at least one-ninth (1-9") of an inch in height.

(26) *Ice.* Ice shall be sold by net weight. Such net weight shall be the actual weight at the time and place of delivery. A sales slip, as provided in Regulation 13, shall be furnished, or the amount may be written at the time of the delivery upon a card kept by the purchaser for that purpose.

(27) *Shingles and laths.* Wooden shingles and laths shall be sold by numerical count. For the purpose of representation, random width shingles when packed in regulation frames 20" in width and when packed twenty-five courses at each end, four such bundles shall constitute a thousand, and when packed twenty courses at each end, five such bundles shall constitute a thousand. Openings in bundles shall not average more than 1½" to the course. A variation of one inch in length shall be allowed in ten (10%) per cent. of the shingles and laths in a bundle. Marking may be done on the bundle or else a representation made on a sales slip, ticket or tag accompanying the bundle.

(28) *Siphons.* On siphons the marking shall be as prescribed in Regulation 5, but the allowable variation shall be twelve and one-half per cent. (12½%).

(29) *Soda water and non-alcoholic carbonated beverage bottles.* On soda water and non-alcoholic carbonated beverage bottles the marking shall be as prescribed in Regulation 5, but the allowable variation shall be ten per cent. (10%).

(30) *Paper.* (a) *Wrapping paper and coated paper.* A representation shall be made by weight or by numerical count; when by weight a variation of three and one-half per cent. (3½%) will be allowed, or the same may be sold by numerical count in individual sheets and the reasonable variation incident to manufacture will be allowed.

(b) *Cover paper, writing paper and boards.* A representation should be made by numerical count or by weight and reasonable variation will be allowed.

(c) *Tissue paper.* A representation shall be made either by weight or by numerical count and a variation of two and one-half per cent. (2½%) will be allowed.

(d) *Pads* with a cover shall be marked with the number of sheets in the pad.

(e) *Toilet paper*. Toilet paper must be marked with either the net weight, the gross and tare weight, or with the number of sheets. When sold by number the size of the sheets shall be indicated. The lettering shall be at least one-ninth of an inch (1-9") or 8-point type. The variation allowable on weight rolls will be eight per cent. (8%), the variation on count rolls will be three per cent. (3%).

(f) Cores on which paper is rolled is part of tare.

(31) *Salt*. Salt shall be sold in packages plainly and conspicuously marked with the number of pounds contained therein. A variation of three (3%) per cent. will be allowed.

(32) *Effervescent and deliquescent salts and chemicals*. The marking should be plain and conspicuous in terms of weight. No fixed percentage of variation will be established. In all cases the variation shall be reasonable.

(33) *Lemons and citrus fruits*. Lemons and citrus fruits shall be sold by count. When shipped in box or crate the same shall be marked with the number of lemons or other citrus fruit. If they are not shipped in boxes or crates, the container shall be marked with the number of lemons or other citrus fruit.

(34) *Cement*. A variation of five per cent. (5%) will be allowed. (A variation will be estimated on fifty containers or so many less than that number as are in one place.)

(35) *Chloride of lime*. Chloride of lime shall be sold by weight and a variation of five per cent. (5%) will be allowed.

(36) *Potash and lye*. Potash and lye shall be sold by weight and a variation of three per cent. (3%) will be allowed.

(37) *Milk*. Cans or other containers, other than bottles or jars, in which milk or cream is sold, must be marked with the net contents; when sold from bulk, a sales slip must be furnished. Bottles or jars must be of the standard sizes provided for by law and need not be marked.

(38) *Gasoline*. Gasoline, when sold in containers, must be sold by the standard measure and the container shall be plainly and conspicuously marked. A variation of three per cent. will be allowed.

When pumped or poured into the tank of an automobile, motor boat, or into any other tank, or when sold from bulk, a sales slip showing the full amount delivered must be given to the purchaser.

(39) *Baled shavings.* Bales of shavings must have plainly and conspicuously marked on the bale or on a tag or label attached thereto the measurements thereof.

All previous rules and regulations are hereby repealed.

Dated, Albany, N. Y., December 1, 1915.

the first two years of the 1990s. The first two years of the 1990s were characterized by a high level of unemployment, which was a result of the economic crisis in the Netherlands. The unemployment rate was 10.5% in 1990 and 10.8% in 1991.

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